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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

13 ESTATE OF CLARENCE GAMBLE, by and
14 through its Special Administrator, BERNITA
15 LUJAN

16 Plaintiff,

17 Vs.

18 SOUTHERN DESERT CORRECTIONAL
19 CENTER, et al.,

20 Defendants.

CASE NO: 2:15-cv-00619-JAD-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY**

(Third Request)

21 Pursuant to LR 6-1 and LR 26-4, the Parties, through their respective attorneys of
22 record, hereby stipulate and request that this court extend the discovery deadlines in the
23 above-captioned case ninety days. In support of this stipulation and request, the parties state
24 as follows:
25

26 **I. DISCOVERY COMPLETED TO DATE**

27 1. Both parties served written discovery.
28

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2. Both parties responded to written discovery.

3. Plaintiff served subpoena duces tecum on medical providers.

4. The parties are working together to schedule further depositions.

II. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

This case was filed in 2015 by Gamble as a pro se inmate. The parties attended mediation on August 30, 2019, with the Hon. Magistrate Judge Cam Ferenbach. The parties did not resolve the matter. On that same date, while preparing to travel back to the correctional facility in which Plaintiff was housed, Plaintiff unexpectedly passed away. Special administration for Plaintiff's Estate has been accomplished. However, because of the COVID-19 pandemic, the parties have been unable to set the depositions of Defendants in this matter. The parties are exploring videoconference capabilities of Defendants and their availability.

III. DISCOVERY REMAINING

1. Depositions of the parties.

2. Written discovery.

3. Acquisition of medical records.

4. Any other discovery the parties deem necessary as the case progresses.

IV. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND SCHEDULING ORDER

LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling Order. Any stipulation or motion must be made no later than twenty-one days before the expiration of the subject deadline and comply fully with LR 26-4.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

ACTIVITY	DATE	PROPOSED DEADLINE
Amend Pleadings or Add Parties	July 30, 2018	Passed
Expert Disclosures Pursuant to Fed.R.Civ.P. 26(a)(2)	April 16, 2020	Passed
Rebuttal Expert Disclosure Pursuant to Fed.R.Civ.P. 26(a)(2)	May 18, 2020	Passed
Discovery Cut-Off Date	June 15, 2020	September 14, 2020
Dispositive Motions	July 15, 2020	October 14, 2020
Joint Pretrial Order	September 16, 2019	November 16, 2020

In the event that dispositive motions are filed, the date for filing the Joint Pre-Trial Order shall be suspended until thirty days after a decision on the dispositive motions or further order of the Court. The disclosures required by Rule 26(a)(3) and any objection hereto shall be included in the Pre-Trial Order.

This request for an extension of time is not sought for any improper purpose or other purpose of delay. The parties have worked together at moving discovery forward and have worked to get this case moving forward, but the fact of this being a 2015 case, the matter having been stayed for a considerable amount of time, discovery having been re-opened following the denial of Plaintiffs' Motion for Summary Judgment and appointment of pro bono counsel, the time for appointment of pro bono counsel, and Plaintiff being an inmate and subsequently dying has made things more difficult and caused delays not necessarily

1 present in some other cases.

2 This is the third request for extension of time in this matter. The prior two extensions
3 were requested by Plaintiff prior to having counsel appointed. The parties respectfully submit
4 that the reasons set forth above constitute compelling reasons for the discovery extension.
5

6 WHEREFORE, the parties respectfully request that this court extend the discovery
7 period by ninety (90) days, from the current deadline of June 15, 2020 up to and including
8 September 14, 2020, and the other discovery dates as outlined in accordance with the table
9 above.
10

11 DATED this 15th day of June, 2020.

12 **MESSNER REEVES LLP**

13
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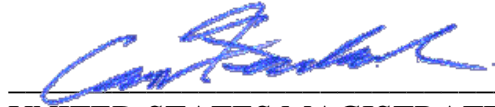
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ORDER

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

Dated: 6-17-2020